

**New Shoreham Town Council Meeting**  
**Town Hall, Old Town Road**  
**Wednesday, December 16, 2010**  
**9:00 a.m.**

**Present:** First Warden Kimberley H. Gaffett, Second Warden Raymond J. Torrey Council members Peter B. Baute and Kenneth C. Lacoste. Also present were Town Manager Nancy Dodge, Town Attorney Katherine Merolla and for the recording of minutes, Deputy Town Clerk Millicent McGinnes. Council member Richard P. Martin was absent.

First Warden Gaffett called the meeting to order at 9:00 a.m.

**Board of License Commissioners**

**New Beverage Licenses**

**Class C License- Old Island Pub, Inc., Stockholder: Lewis H. Gaffett, d/b/a Profiles Conference Center, Corn Neck Road, Plat 5, Lot 10**

Ms. Gaffett recused herself as she is related to the applicant. Mr. Torrey took over the meeting. Lew Gaffett was present representing Old Island Pub, Inc.

Mr. Torrey asked if there were any comments from the audience and the following people spoke:

- Molly O'Neill spoke against the issuance of the license noting: there are already too many bars in the area; the business plan is not solid, as liquor is not needed with email; and the applicant has had a history of liquor violations.
- Ann Hall spoke against the license noting the applicants past experience of beginning with a limited license, procuring a full license and then selling the business.
- Later in the hearing Ali Kiley spoke against granting the license.

Mr. Torrey stated that the Board of License Commissioners had discretionary authority to deny an application based upon citizens reaction and he was aware of a number of citizens in the community that were distressed over the application. He noted that there was a detailed written objection submitted that has been withdrawn. He further noted that he felt there was no need for another bar in the area and it seemed that the business side of Profiles would become an adjunct to the bar.

Lew Gaffett presented his application stating the following:

- Profile's is currently open in the old location and customers spend 2 – 3 hours there on-line.
- The business was not going to be just a bar, but a true business center with conferences, video conferencing, copying and internet service.
- The building is 300 sq. ft. the bar will seat 8 with a leaning bar for 5 or 6.
- Seating will be about 20, with 25 in the wi-fi garden.
- The liquor license would be keeping with the neighborhood and opposition from bar owners in the area is expected.
- The bar business would be an adjunct to the business center trade.
- The business center is not a viable business without a side trade.
- As a project, Profiles is cataloging autobiographical audio studies of local residents.

Mr. Lacoste stated that he thought the business center was an asset to the island and the new site was a good location for such a business. He noted that he did not see a bar as a necessity to make the business work and suggested Mr. Gaffett implement a "bring your own" BYOB policy for liquor. Lew Gaffett responded that he did not have enough control over a BYOB policy.

Mr. Torrey suggested restricting the liquor license hours to 8:00 p.m. Lew Gaffett stated that that he was agreeable to limiting the hours with the exception of evening conferences and gatherings.

Dr. Baute stated that a small establishment with limited hours would not have much impact on the area and was not going to add to alcohol abuse. He noted that he understood the use and was in favor of granting the license with limited hours of 3 p.m. to 9 p.m. with notification of later hour conferences.

Mr. Torrey made a motion to deny the Class C liquor license to Old Island Pub, Inc., Stockholder: Lewis H. Gaffett, d/b/a Profiles Conference Center. Mr. Lacoste seconded the motion and it carried.

2 Ayes (Torrey, Lacoste)      1 Nays (Baute)      1 Recused (Gaffett)  
1 Absent (Martin)

**Class BV License-** Block Island Ventures, LLC, Members: Joseph Vita, Patrick Casey, James Lawrence & Daniel Ronald Winters, d/b/a The Surf Hotel, Dodge Street, Plat 6, Lots 138, 142 & 143

First Warden Gaffett returned to the table. Attorney Vin Rinaldi, President Joseph Vita, Vice President Patrick Casey and Architect Frank Karpowicz were present representing Block Island Ventures, LLC.

Attorney Rinaldi presented the application of Block Island Ventures, LLC, along with Joseph Vita, Patrick Casey and Frank Karpowicz, noting the following:

- Surf Hotel Partners is under contract with the Cyr family to purchase the Surf Hotel properties, Plat 6, Lots 138, 142 & 143, and Block Island Ventures, LLC is the management company that will be operating the business for Surf Hotel Partners.
- There are other licensed establishments on the island of which their liquor service areas consist of multiple lots of record.
- The building will be renovated to conform to historical standards in order to be eligible for historical preservation tax credits.
- All public beach accesses will be maintained.
- There is no intent to renovate and then resell the property.
- The application proposes liquor service in the hotel, and on decks, patios and lawn seating.
- The first floor of the hotel will be renovated to house a kitchen, lobby, high-end restaurant and bar for an opening in June.
- Phase 2 of the operation will include a casual pub style menu for service on Patio #1. There will be a barricade between the patio and the beach.
- Phase 3 will include an events center on Patio #2 slated for operation in two years.
- Cocktail service with 15 – 20 Adirondack chairs on the grassy knoll, noted as Lawn Seating on the site plan, is also planned. There is no formal development program for the site.
- All the staff, between 40 and 60, will go through the SMART and TIPS alcohol training programs.
- Service will be until 10:00 p.m. in the dinning area and midnight on the decks.
- Seating will be about 100 – 110 in the restaurant and bar; 70 – 75 on the decks and 60 – 65 on Patio #1.

Ms. Gaffett stated that she was happy to see potential life in the structure which encompasses historical and cultural preservation. She explained that the proposed liquor service areas expand the current uses and would require Zoning and other local approvals. She further explained that the plan can be approved conceptually, with service areas not activated until all approvals are met.

Mr. Lacoste stated that the proposed Patio #2 encompasses the current parking area and parking is a big concern. He also stated that he was leery of allowing for a doubling of the use while the proposal diminished the size of the parking lot

considerably. He suggested using Patio #1 as the events area. Mr. Lacoste noted that Lot 141 includes a deeded public beach access that must remain open. He also noted that he was leery of expanding the liquor service across the public ROW and allowing liquor service on the grassy knoll adjacent to other property owners.

Dr. Baute stated that he was concerned with the enormous increase in the proposed liquor service. He suggested limiting the liquor service to lots 142 and 143, as there are already a large number of places that serve liquor in the area.

From the audience the following people spoke:

- Claire McQueen speaking both as a member of the Historic District Commission (HDC) and a private citizen stated that the HDC was very much in favor of the project and that the liquor license is an integral part of the viability of the venture.
- Mike Ballard speaking as a member of the HDC reiterated that the HDC was very much in favor of the project. He also spoke as a private citizen in support, though he suggested that alcohol service be prohibited on the front porch.
- Cindy Pappas stated that being in real estate, she has seen many interested parties looking at intense development of the property and she is in favor of this plan, as it proposes a more passive use in terms of density and impact.
- Lew Gaffett spoke in favor of the project, noting restoration of the building should be encouraged in any way.
- Molly O'Neill stated: parking is an existing problem in the area; the beach access should remain open; and no bar or structures should be allowed on the grassy knoll.

Mr. Torrey stated that he agreed with Ms. Gaffett that it is cumbersome to the applicant to treat the plan as a half measure. He further stated that it was a good plan and alternative plans are bleak. He noted that the proposed events area is a similar distance from the original structure as the Atlantic Inn's event area. He further noted that although parking needs to be addressed, it is a Zoning issue.

Ms. Gaffett made a motion to grant a Class BV liquor license to Block Island Ventures, LLC, members: Joseph Vita, Patrick Casey, James Lawrence & Daniel Ronald Winters, d/b/a The Surf Hotel, Dodge Street, Plat 6, Lots 138, 142 & 143, with the following stipulations:

- The approval of the plan is conceptual and the activation of any of liquor service areas would be dependent upon zoning approvals, issuance of Certificate of Occupancies and fulfillment of state and local codes.
- The entire three lots remain under control Block Island Ventures, LLC.
- The "Lawn Seating" noted on the site plan will have no structures built upon it and the area will close at dark.
- No bars will be placed on the porch areas of the hotel.

and pending receipt of the following:

- An updated site plan additionally showing:
  - The front porch area noted in purple as "Dodge Street Porch" be excluded from liquor service and consumption areas.
  - The existing two sheds abutting Patio #1 be included in the liquor service and consumption area.
- License fee (\$2,000.00) and advertising fee (\$41.28).
- Certificate Good Standing from the Rhode Island Division of Taxation.
- Department of Health approval.
- Appropriate water and sewer allocations.
- Issuance of a Certificate of Use and Occupancy by the TNS Building Official.
- Proof of ownership or lease of property.

The motion was seconded by Mr. Torrey and carried.

4 Ayes (Gaffett, Torrey, Baute, Lacoste)      0 Nays      1 Absent (Martin)

Town Attorney Merolla noted that pursuant to State of Rhode Island Commercial Licensing Regulations of Liquor Control Administration, Rule 14, the applicant must have met all conditions and criteria set forth in the granting order within one year of granting, or the license will become null and void.

**Set Caps on Beverage Licenses**

Ms. Gaffett a motion to set the caps on liquor licenses as follows:

CLASS	NUMBER
A	2
BV	24
BVL	3
BM	1
C	1
D	1
E	1
F	Unlimited
F1	Unlimited
T	1
BH	1
F2	1
G	1
GD	1
J	1
L	1
K	1
ED	1

Mr. Torrey seconded the motion and it carried.  
4 Ayes (Gaffett, Torrey, Baute, Lacoste)      0 Nays      1 Absent (Martin)

**Report on Unissued Beverage Licenses**

Clerk McGinnes reported that the liquor licenses for Sunset Lewnge, Bethany’s Airport Diner and Island Pond had not yet been issued. She noted that each business was pending receipt of RI Division of Taxation clearance. She further noted that James Mott of the Sunset Lewnge had provided an email explaining that he was awaiting a penalty abatement from the Division of Taxation and that the issue should be cleared up soon.

With no further business to discuss, Dr. Baute made a motion to adjourn at 10:52 a.m. The motion was seconded by Mr. Torrey and carried unanimously.

Millicent McGinnes, CMC  
Deputy Town Clerk

Submitted: January 5, 2011  
Approved: January 21, 2011